

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

UNITED STATES OF AMERICA)	
)	CRIMINAL ACTION NO.
v.)	2:09cr27-MHT
)	(WO)
EUGENE LAMAR PENDLETON)	

OPINION AND ORDER

Amendment 782 to the 2014 edition of the Sentencing Guidelines revised the guidelines applicable to drug-trafficking offenses. Following the United States Sentencing Commission's decision to give retroactive effect to the amendment, this court established a Retroactivity Screening Panel to determine whether a defendant might be eligible for a reduction of sentence. Upon consideration of the recommendation of the Retroactivity Screening Panel entered April 19, 2016, and after an independent and de novo review of the record, it is ORDERED that defendant Eugene Lamar Pendleton's motion for sentence reduction (doc. no. 280) is denied. Defendant Pendleton is not eligible to receive a reduction in sentence pursuant to Amendment 782 because

his sentence was based on the career offender guideline range set out in U.S.S.G. § 4B1.1, which was not reduced by the Amendment. See United States v. Moore, 541 F.3d 1323, 1327-30 (11th Cir. 2008).

DONE, this the 19th day of April, 2016.

 /s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE